

Howrey Docket No. 05742.0007.CPUS00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Adam Michael Fenne

Serial No. 09/428,395

Filed: October 28, 1999

For: **MATCHING OF A REDUCED
SPECTRUM LIGHTING
SOURCE WITH VIDEO
ENCODING PROGRAM
VARIABLES FOR INCREASED
DATA COMPRESSION
RATIOS**

Group Art: 2613

Examiner: Howard W. Britton

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APR 14 2004

Technology Center 2600

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT

JUN - 9 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner of the U.S. Patent and Trademark Office to withdraw the holding of abandonment on the above referenced application. Under *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), and MPEP § 711.03(c), Applicant's failure to receive an Office action may be considered in a petition to withdraw the holding of abandonment. Applicant failed to receive a notice of allowance mailed by the U.S. Patent and Trademark Office on February 11, 2003, and requests that the holding of abandonment on the above referenced matter be removed in consideration of the remarks below.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

June 23 .2003
Date of Deposit

Name of Person Mailing Paper

Signature of Person Mailing Paper

Howrey Docket No. 05742.0007.CPUS00

REMARKS

On December 19, 2002, Applicant timely filed a terminal disclaimer and response to an Office Action, mailed by the U.S. Patent and Trademark Office on October 3, 2002. A postcard was received from the U.S. Patent and Trademark Office on January 3, 2003, stamped December 27, 2002 by the P.T.O. See Exhibit 1, attached herein. The Office Action response was entered by our docketing manager, Mr. Kory Mingus, and a status check for the patent application was noted in the docket for December 19, 2003. See Exhibit 2, attached herein. A one-year status check after the filing of a response is standard procedure for our firm.

On June 2, 2003, at the request of the patent agent in charge of the application, Ms. Robin Clow of Howrey Simon spoke with Examiner Britton regarding the status of the application. Examiner Britton notified her that the application was allowed and a notice of allowance was mailed on February 11, 2003. Ms. Clow immediately spoke to several individuals at the U.S. Patent and Trademark Office, and on June 13, 2003, a notice of allowance was faxed to our office by Ms. Toni Hood in the Office of Publications. A thorough search of the file jacket and docket sheet uncovered no notice of allowance documents or entries. In addition, a search of our computer databases for routinely scanned material received by the U.S. Patent and Trademark Office turned up no documents for the instant application during the relevant period of time.

In light of the foregoing remarks, Applicant believes that he has made a good faith showing that the office action was not received. Applicant has also fulfilled the requirements under 37 C.F.R. § 1.181(f) by timely filing this petition within two weeks of receiving the faxed notice of allowance. In further support of his good faith showing, Applicant includes with this Petition a completed Issue Fee Transmittal and Issue Fee, which is fully responsive to the non-received notice of allowance.

Howrey Docket No. 05742.0007.CPUS00

Applicant believes that under MPEP § 711.03(c), no fee is due with this Petition. However, if any fees are required, the Commissioner is hereby authorized to charge our Deposit Account No. 08-3038, referencing Docket No. 05742.0007.CPUS00. Withdrawal of the holding of abandonment, and entry of payment for the enclosed issue fee notification is respectfully requested.

Respectfully submitted,



William C. Rookridge, Reg. No. 31,791

Date: June 23, 2003

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue, Box No. 34
Menlo Park, CA 94025
FAX No. (650) 463-8400
Telephone No. (949) 759-3904

2004-04-12 14:07

From-Howrey LLP

949 721 6910

T-167 P.009/023 F-397

EXHIBIT 1

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 8336 HOUSTON TX

POSTAGE WILL BE PAID BY ADDRESSEE

HOWREY SIMON ARNOLD & WHITE, LLP
301 RAVENSWOOD AVENUE
BOX 34
MENLO PARK, CA 94025

RECEIVED

JAN 03 2003

Howrey - SV



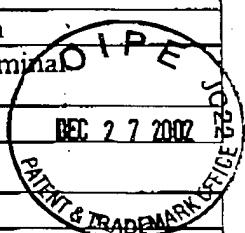
Please indicate receipt of the following identified paper:

PTO

<input type="checkbox"/> New Application For:	Utility	Priority Date:
<input type="checkbox"/> Foreign priority already claimed		Fee Amount: or any related fee not specified
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional CPA <input type="checkbox"/>
<input type="checkbox"/> Specification:		<input type="checkbox"/> Drawings:
<input checked="" type="checkbox"/> Response to Office Action Dated: 10/3/02		<input type="checkbox"/> Final Rejection
<input checked="" type="checkbox"/> Other: Transmittal Letter (2 pages); Submission of Formal Drawings; Formal Drawings; Terminal Disclaimer and postcard		
<input type="checkbox"/> Assignment Enclosed	<input type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail: DEC 27 2002

IDENTIFICATION OF APPLICATION

Serial No.: 09/428,395	Responsible Attorney: RCL
Title: MATCHING OF A REDUCED SPECTRUM LIGHTING SOURCE WITH VIDEO ENCODING PROGRAM VARIABLES FOR INCREASED DATA COMPRESSION RATIOS	
Applicant: Adam Michael Fenne	Entered By:
Client: Pixelon.com, Inc.	Firm File No.: 05742.0007.CPUS00
Mailed: 12/19/02	Filed: 10/28/99
Due Date:	



Howrey Docket No. 05742.0007.CPUS00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re the application of:****Adam Michael Fenne****Application No.: 09/428,395****Filed: October 28, 1999****For: MATCHING OF A REDUCED
SPECTRUM LIGHTING SOURCE
WITH VIDEO ENCODING PROGRAM
VARIABLES FOR INCREASED DATA
COMPRESSION RATIOS****Art Unit: 2613****Examiner: Howard W. Britton****FILE COPY****TRANSMITTAL OF RESPONSE TO OFFICE ACTION****Commissioner of Patents and Trademarks
Washington, D.C. 20231****Dear Sir:**

Applicant submits the following documents for appropriate action by the U.S. Patent and Trademark Office:

- Response to Office Action;**
- Submission of Formal Drawings;**
- Formal Drawings;**
- Terminal Disclaimer; and**

**CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)**

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

12/19 2002
Date of Deposit

Robin L. Clow
Name of Person Mailing Paper

B. Clow
Signature of Person Mailing Paper

Howrey Docket No. 05742.0007.CPUS00

 Return postcard.

The U.S. Patent and Trademark Office is hereby authorized to charge \$55.00, and charge any fee deficiency or credit any overpayment, to our Deposit Account No. 08-3038, referencing Docket No. 05742.0007.CPUS00.

Respectfully submitted,

Dated: December 18, 2002.



William C. Rookridge, Reg. No. 31,791

HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
301 Ravenswood Avenue
Menlo Park, CA 94025
Facsimile: (650) 463-8400
Telephone: (949) 759-2904

Howrey Docket No. 05742.0007.CPUS00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Adam Michael Fenne

Serial No. 09/428,395

Filed: October 28, 1999

For: **MATCHING OF A REDUCED
SPECTRUM LIGHTING
SOURCE WITH VIDEO
ENCODING PROGRAM
VARIABLES FOR INCREASED
DATA COMPRESSION
RATIOS**

Group Art: 2613

Examiner: Howard W. Britton

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed October 3, 2002, kindly enter the following remarks:

REMARKS

Claims 1-13 are pending in the instant application. Claims 9-13 have been allowed.

Claims 1-8 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 09/351,618 (now U.S. Patent No. 6,470,048). The drawings were objected to as being informal.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

12/19 2002
Date of Deposit

Robin L. Clow
Name of Person Mailing Paper

R. Clow
Signature of Person Mailing Paper

Howrey Docket No. 05742.0010.NPUS00

All of the stated grounds of rejection have been rendered moot with the timely filing of a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). In addition, formal drawings in accordance with 37 C.F.R. § 1.84 are herewith submitted to overcome the objections to the drawings. As such, the instant application is in condition for allowance. Prompt and favorable consideration of this Response is respectfully requested.

The U.S. Patent and Trademark Office is hereby authorized to charge \$55.00 for the Terminal Disclaimer Fee under 37 C.F.R. § 1.20(d), and charge any fee deficiency or credit any overpayment, to our Deposit Account No. 08-3038, referencing Docket No. 05742.0007.CPUS00.

Respectfully submitted,

Date: December 18, 2002


William C. Rookridge, Reg. No. 31,791

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue, Box No. 34
Menlo Park, CA 94025
FAX No. (650) 463-8400
Telephone No. (949) 759-3904

2004-04-12 14:09

From-Howrey LLP

949 721 6910

T-167 P.015/023 F-397

EXHIBIT 2

Howrey Simon Arnold and Waite, LLP

Please file on top of last Correspondence**CASE RECORD LISTING**

File No	05742.0007.CPUS00	Status Code	PEN
Old Matter Number		Country Code	US
Short Title	Matching of a Reduced Spectrum Lighting Source with Video Encoding Program Variables for Increased Data Compression Ratios	Case Type	CIP
Region	CALIFORNIA	Last Amended	
Location	IRVINE	Last Amended By	KMINGUS
Defendant (Opps)		Entity Size Ind	Small
Opposer (Opps)		CPA Reportable	Y
Language of Filing		Module	Patents

Base Reference	Date	Number
Application No. / Date	28 Oct 1999	09/428,395
Grant / Issue No. / Date		
Publication (early)		
Publication (post-examination)		
Role Type	Name	
Inventor	Fenne Adam Michael	
Client	Pixelon.com, a California corporation	
Billing Attorney	Rooklidge William C.	
Responsible Attorney	Rooklidge William C.	
Action Person	Westin Lori P.	

Howrey Simon Arndt and Waite, LLP

Please file on top of last Correspondence

CASE RECORD LISTING

<u>Diary Due Dates</u>	<u>Action</u>	<u>Comments</u>	<u>Completed Date</u>
6/1/2003	Status of Filing Receipt	(orig d/l 5/5/02) Filing Receipt missing from transferred file; 8/20/02 - sent Client further req for power to obtain copy; 10/22/02 - spoke to Client remd of Filing Receipt inst-client wil confer to determine costs; per RClow's 4/29/03 email inst - move 06/02/03 - per RClow talked w/Exam Britton - case allowed in February - Notice of Allowance sent on 2/11/03 & published 4/25/03	
12/19/2003	Status Office Action		
1/28/2000	Status of Missing Parts		12/1/1999
1/26/2000	Response to Missing Parts Due		1/20/2000
6/20/2002	Status of Revocation/POA	12/20/01 - filed Rev/POA & Change of Correspondence Address; 01/07/02 - rec'd Return Rev/POA Postcard date-stamped 12/20/01; 02/05/02 - rec'd Notice Re POA dated 1/7/02 - POA accepted	2/5/2002
7/13/2002	Status of Assignment Recordal	Pixelon to Dante due to a bankruptcy procedure re-submitted February 27, 2002 by Joel Voelzke; 05/10/02 - dtd Notice of Recordation rec'd	5/10/2002
10/1/2002	Status of Patent Application	04/01/02 - left mess. w/ Ex. req. status of app.; 04/02/02 - Ex. left mess. con. that there are no outstanding OA (no action yet), Ex. says it will be 3-6 m. before OA is ready to be sent;	10/9/2002
1/9/2003	Status Check		10/9/2002
1/3/2003	Response to OA	10/09/02 - rec'd 3M Non-Final Office Action dtd 10/3; 10/11/02 - sent Client copy of OA & req inst by 11/15/02; per LPW's 11/18 dkt - rec'd Client inst to file terminal disclaimer; 12/19/02 - filed Resp to OA; 12/19/02 - sent Client copy of Resp filed	12/19/2002
2/3/2003	Response to OA Extension 1	01/03/03 - rec'd Return Postcard dtd 12/27/02	12/19/2002
3/3/2003	Response to OA Extension 2		12/19/2002
4/3/2003	Response to OA Final Deadline		12/19/2002

Howrey Simon Aronoff and White, LLP

Please file in top of last Correspondence**CASE RECORD LISTING****Abstract****Remarks**

Client No.: 17954-22

Examiner: George Bugg (703-305-2329)

12/20/01 - filed Rev/POA & Change of Correspondence Address; 01/07/02 - rec'd Return Rev/POA Postcard date-stamped 12/20/01; 02/04/02 - rec'd Notice of Non-Recordation dated 01/25/02 - 2-sided pgs not acceptable (Assignment from Pixelon to Dante re Bankruptcy sale also for 3NPLUS00, 4NPUS00, 5NPUS00, 6CPLUS01, 7CPUS00, 8CPUS00, 9CPUS00 & 09/351,028 - see 0006NPUS00 for docketing); 02/12/02 - rec'd Notice of Recordation dtd 1/26/02 - Reel/Frame: 012336/0853, Recordation Date: 12/03/01, Dante Pugliese to Pixelon.com, Inc.; per K. Cheatham - POA was rec'd and is in file;

Assignment Info (Bankruptcy Sale)

Reel/Frame: 012675/0337

Assignor: Pixelon, Inc.

Assignee: Dante Pugliese

Recordation Date: 02/27/02

Claims**Date Docketed:** 02 Jun 2003**DOCKETED BY:** _____**CHECKED BY:** _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Adam Michael Fenne

Appl. No.: **09/428,395**Filed: **October 28, 1999**

For: **Matching of a Reduced Spectrum
Lighting Source with Video
Encoding Program Variables for
Increased Data Compression
Ratios**

Art Unit: **2613**Examiner: **Howard W. Britton**Atty. Docket: **05742.0007.CPUS00****Notice of Correspondence Address**

Commissioner for Patents
Washington, D.C. 20231

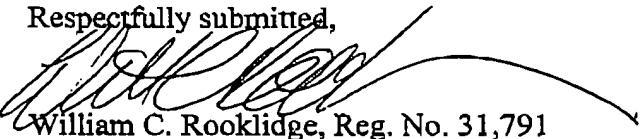
Sir:

Please change the correspondence address for the above-referenced application to be as follows:

William C. Rooklidge
Howrey Simon Arnold & White, LLP
301 Ravenswood Avenue, Box No. 34
Menlo Park, CA 94025

Please change the attorney docket number to the new attorney docket number (05742.0007.CPUS00) as shown above. Please direct telephone calls to 949-759-3904.

Respectfully submitted,

Date: 6/23/03
William C. Rooklidge, Reg. No. 31,791

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue, Box No. 34
Menlo Park, CA 94025
FAX No. (650) 463-8400
Telephone No. (949) 759-3904



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,395	10/28/1999	ADAM MICHAEL FENNE	17954-22	4594

7590 02/11/2003

Joel D Voeckler
 Howrey Simon Arnold & White LLP
 301 Ravenswood Avenue Box No 34
 Menlo Park, CA 94025
 UNITED STATES

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MAR 05 2003

Technology Center 2600

EXAMINER

BRITTON, HOWARD W

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 02/11/2003

Determination of Patent Term Extension under 35 U.S.C. 154 (b)
 (application filed after June 7, 1995 but prior to May 29, 2000)

The patent term extension is 0 days. Any patent to issue from the above identified application will include an indication of the 0 day extension on the front page.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.

Match & Return

Page 3 of 4

PTOL-85 (REV. 04-02) Approved for use through 01/31/2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 02/11/2003

Joel D Voelzke
 Howrey Simon Arnold & White LLP
 301 Ravenswood Avenue Box No 34
 Menlo Park, CA 94025

EXAMINER

BRITTON, HOWARD W

ART UNIT

CLASS-SUBCLASS

2613

375-240000

DATE MAILED: 02/11/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,395	10/28/1999	ADAM MICHAEL PENNE	17934-22	4594

TITLE OF INVENTION: MATCHING A REDUCED SPECTRUM LIGHTING SOURCE WITH VIDEO ENCODING PROGRAM VARIABLES FOR INCREASED DATA COMPRESSION RATIOS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	50	\$650	05/12/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.
 See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Notice of Allowability

Application No. 09/428,385	Applicant(s) A. M. Fenna
Examiner Howard W. Britton	Art Unit 2613

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to papers filed 12/27/2002
2. The allowed claim(s) is/are 1-13
3. The drawings filed on Dec 27, 2002 are accepted by the Examiner.
4. Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) All
 - b) Some*
 - c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____.
5. Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) The translation of the foreign language provisional application has been received.
6. Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.
7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. CORRECTED DRAWINGS must be submitted.
 - (a) Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. _____.
 - (b) Including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
 - (c) Including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(a)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 <input type="checkbox"/> Notice of References Cited (PTO-892)	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____
5 <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449), Paper No(s). _____	6 <input type="checkbox"/> Examiner's Amendment/Comment
7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance
9 <input type="checkbox"/> Other	

Howard W. Britton
HOWARD W. BRITTON
PRIMARY EXAMINER
ART UNIT 2613



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20591
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,395	10/28/1999	ADAM MICHAEL FENNE	17954-22	4594
7590	02/11/2003			EXAMINER
Joel D Voelzke Howrey Simon Arnold & White LLP 301 Ravenswood Avenue Box No 34 Menlo Park, CA 94025 UNITED STATES			BRITTON, HOWARD W	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 02/11/2003				

Notice of Fee Increase on January 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003, Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: <http://www.uspto.gov/main/howtofees.htm>.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.